

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. OT2004-64

KRIS YURINO FUJIKAWA
5945 Laguna Park Drive.
Elk Grove, CA 95758

Occupational Therapy License No. OT 5673

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 13, 2007.

It is so ORDERED April 13, 2007.



FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JENNIFER S. CADY
Supervising Deputy Attorney General
3 JOSEPH N. ZIMRING, State Bar No. 185916
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. OT2004-64

12 KRIS YURINO FUJIKAWA
13 5945 Laguna Park Drive
Elk Grove, CA 95758

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Occupational Therapy License No. OT 5673

15 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Heather Martin (Complainant) is the Executive Officer of the California
22 Board of Occupational Therapy. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Joseph N. Zimring, Deputy Attorney General.

25 2. Respondent Kris Yurino Fujikawa (Respondent) is representing herself in
26 this proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about January 8, 2003, the California Board of Occupational
28 Therapy issued Occupational Therapy License No. OT 5673 to Respondent. The License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. OT2004-64
2 and will expire on November 30, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. OT2004-64 was filed before the California Board of
5 Occupational Therapy, Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on September 29, 2006. A true and correct copy of Accusation No. OT2004-64 is
8 attached as Exhibit "A" and incorporated by reference. Respondent failed to timely file a Notice
9 of Defense contesting the Accusation. As part of this stipulated settlement, however, the Board
10 agrees to waive Respondent's failure to file a Notice of Defense.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations
13 in Accusation No. OT2004-64. Respondent has also carefully read, and understands the effects
14 of this Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
18 the right to present evidence and to testify on her own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. OT2004-64.

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9. Respondent agrees that the allegations in the accusation constitute cause for discipline. Respondent further agrees that her occupational therapy license is subject to discipline, and agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that License No. OT 5673 to Respondent Kris Yurino Fujikawa is revoked. The revocation, however, is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall

1 submit, in writing, a full account of any and all violations of the law to the Board within five (5)
2 days of occurrence.

3 **2. Compliance with Probation and Quarterly Reporting.** Respondent
4 shall fully comply with the terms and conditions of probation established by the Board and shall
5 cooperate with representatives of the Board in its monitoring and investigation of the
6 Respondent's compliance with probation. Respondent, within ten (10) days of completion of the
7 quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance
8 form obtained from the Board.

9 **3. Personal Appearances.** Upon reasonable notice by the Board,
10 Respondent shall report and make personal appearances at times and locations as the Board may
11 direct.

12 **4. Notification of Address and Telephone Number Change(s).**
13 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
14 mailing address, of her new address and any change in work and/or home telephone numbers.

15 **5. Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**
16 In the event Respondent should leave California to reside or to practice outside the State for more
17 than thirty (30) days, she shall notify the Board or its designee in writing within ten (10) days of
18 the dates of departure and return. All provisions of probation other than the quarterly report
19 requirements, examination requirements, and education requirements, shall be held in abeyance
20 until Respondent resumes practice in California. All provisions of probation shall recommence
21 on the effective date of resumption of practice in California.

22 **6. Notification to Employer(s).** When currently employed or applying for
23 employment in any capacity in any health care profession, Respondent shall notify her employer
24 of the probationary status of Respondent's license. This notification to the current employer
25 shall occur no later than the effective date of the Decision. Respondent shall notify any
26 prospective health care employer of her probationary status with the Board prior to accepting
27 such employment.

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1 This notification shall be made by providing the employer or prospective
2 employer with a copy of the Board's Decision with the attached Accusation. Respondent shall
3 cause each health care employer to submit quarterly reports to the Board. The report shall be on
4 a form provided by the Board, and shall include a performance evaluation and such other
5 information as may be required by the Board.

6 Respondent shall notify the Board, in writing, within five (5) days of any change
7 in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
8 terminated from any occupational therapy or health care related employment with a full
9 explanation of the circumstances surrounding the termination.

10 **7. Employment Requirements and Limitations**

11 During probation, Respondent shall work in her licensed capacity in the State of California. This
12 practice shall consist of no less than six (6) continuous months and of no less than twenty (20)
13 hours per week.

14 While on probation, Respondent shall not work for a registry or in any private
15 duty position, except as approved, in writing, by the Board. Respondent shall work only on a
16 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
17 capacity except as approved, in writing, by the Board.

18 **8. Supervision Requirements.** Respondent shall obtain prior approval from
19 the Board, before commencing any employment, regarding the level of supervision provided to
20 the Respondent while employed as an occupational therapist.

21 Respondent shall not function as a supervisor during the period of probation
22 except as approved, in writing, by the Board.

23 **9. Continuing Education Requirements.** Respondent shall complete
24 continuing education directly relevant to the violations as specified by the Board. Continuing
25 education shall be completed within the first year of probation.

26 Continuing education shall be in addition to the professional development
27 activities required for license renewal. The courses shall be as follows: one course in ethics for
28 3 hours of credit; one course in documentation for three (3) hours of credit; one course in clinical

1 reasoning for two (2) hours of credit; and one course in stress management for one (1) hour of
2 credit. Within thirty (30) days of the Board's written notification of the assigned course work,
3 Respondent shall submit a written plan to comply with this requirement. The plan may include
4 "on-line" courses. The Board shall approve such a plan prior to enrollment in any course of
5 study.

6 Failure to satisfactorily complete the required continuing education as scheduled
7 shall constitute a violation of probation. Respondent is responsible for all costs of such
8 continuing education. Upon successful completion of the courses, Respondent shall send the
9 original certificates she receives for successful completion of the courses to the Board, by
10 certified mail return receipt requested, within thirty (30) days of the completion of each course.

11 **10. Maintenance of Valid License.** Respondent shall, at all times while on
12 probation, maintain an active current license with the Board including any period during which
13 license is suspended or probation is tolled.

14 **11. Cost Recovery Requirements.** Respondent shall pay to the Board the
15 costs of investigation and enforcement of this case of \$6,080.00. Respondent shall make
16 quarterly payments to the Board to accompany each quarterly report (probationary condition #2)
17 such that the full amount of cost recovery is paid no later than six (6) months before termination
18 of probation. Failure to make payments timely shall be considered a violation of probation.

19 Except as provided above, the Board shall not renew or reinstate the license of any
20 Respondent who has failed to pay all the costs as directed in the Decision in this case.

21 **12. Violation of Probation.** If Respondent violates probation in any respect,
22 the Board, after giving respondent notice and opportunity to be heard, may revoke probation and
23 carry out the disciplinary order which was stayed. If an accusation or petition to revoke
24 probation is filed against Respondent during probation, or if the Board makes a written request to
25 the Attorney General's Office to file an accusation or petition to revoke probation against
26 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
27 final, and the period of probation shall be extended until the matter is final.

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1 **13. Completion of Probation.** Respondent may not petition for early
2 termination of probation. She may petition for modification of probationary terms after
3 completing three years of probation. Upon successful completion of probation, Respondent's
4 license will be fully restored.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my occupational therapy license. I
8 understand I have the right to be represented by counsel at my own expense and I have chosen to
9 represent myself. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
10 knowingly, and intelligently, and agree to be bound by the Decision and Order of the California
11 Board of Occupational Therapy.

12 DATED: _____.

13
14
15 _____
KRIS YURINO FUJIKAWA
Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the California Board of Occupational Therapy of the Department
19 of Consumer Affairs.

20 DATED: February 5, 2007

21 EDMUND G. BROWN, JR., Attorney General
22 of the State of California

23 JENNIFER S. CADY
Supervising Deputy Attorney General

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25 _____
JOSEPH N. ZIMRING
26 Deputy Attorney General

27 Attorneys for Complainant

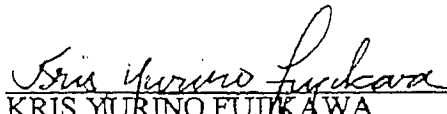
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9 represent myself. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
10 knowingly, and intelligently, and agree to be bound by the Decision and Order of the California
11 Board of Occupational Therapy.

12 DATED: 2/5/07

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14 
15 KRIS YURINO FUJIKAWA
16 Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the California Board of Occupational Therapy of the Department
20 of Consumer Affairs.

21 DATED: _____

22 BILL LOCKYER, Attorney General
23 of the State of California

24 JENNIFER S. CADY
25 Supervising Deputy Attorney General

26 JOSEPH N. ZIMRING
27 Deputy Attorney General

28 Attorneys for Complainant

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